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PART III

Advertisements and Notices by Private Individuals and Corporations

MINISTRY OF LABOUR

Employees' State Insurance Corporation

NOTIFICATIONS

New Delhi, the 31st December 1949

No. RS/448.—The following draft of certain regulations which the Employees' State Insurance Corporation proposes to make in exercise of the powers conferred by section 97 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th February, 1950.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the said Corporation.

DRAFT REGULATIONS

PART I

1. *Short title.*—These regulations may be called the Employees' State Insurance Corporation (Staff) Regulations, 1949.

2. *Definitions.*—In these regulations unless there is anything repugnant in the subject or context—

(a) 'Act' means the Employees' State Insurance Act, 1948 (XXXIV of 1948).

(b) 'Pay' means the monthly basic pay exclusive of allowances, for purposes of this regulation and relative regulations 'Pay' includes basic pay, personal pay, special pay, acting allowance and any other emoluments which may be classed as pay by the corporation but does not include dearness allowance, local allowance, compensatory (City) allowance, house rent allowance, travelling allowance, halting allowance or any other allowance.

(c) 'Basic Pay' means the pay other than special pay which has been sanctioned for a post held by an employee substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre.

(d) 'Personal Pay' means additional pay granted to an employee—

(i) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any other reduction of such substantive pay otherwise than as a disciplinary measure; or

(ii) in exceptional circumstances, on other personal considerations.

(e) 'Special Pay' means an addition, of the nature of pay, to the emoluments of a post or of an employee granted in consideration of:—

(i) the special arduous nature of the duties; or

(ii) a specific addition to the work or responsibilities; or

(iii) the unhealthiness of the locality in which the work is performed.

(f) 'Substantive Pay' means the pay other than special pay, personal pay, or emoluments classed as pay, to which an employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

(g) 'Acting Allowance' is the allowance given, in addition to substantive pay, if any, to an employee who is appointed to officiate in an appointment of which either there is no holder or of which the holder is an absentee.

(h) 'Service' means the service of the Corporation;

(i) 'Employee' means an employee of the Corporation; and

(j) All other words and expressions have the meaning assigned to them in the Act.

3. *Scope.*—These regulations shall apply to all employees of the Corporation, provided however,

(a) that the salaries, allowances and terms and conditions of service of the Principal Officers shall from time to time be prescribed by the Central Government under sections 16 and 95 of the Act; and

(b) that government servants whose services have been or may be obtained on loan by the Corporation, would continue to be governed by their terms of service under Government but the Corporation may, in consultation with the Central Government, grant them additional remuneration or benefits during the tenure of their service under the Corporation

4. *Classification and strength of the Staff.*—(i) The staff of the Corporation shall be classified as shown in Appendix I among the following classes:—

(a) *Class I*—Officers (all Principal Officers and other officers holding posts carrying a maximum monthly salary of more than Rs. 750/-);

(b) *Class II*—Officers not included in Class I, Senior Superintendents and Private Secretary to Director General;

(c) *Class III*—Ministerial staff except Senior Superintendents; Personal Assistants and stenographers and other similar staff.

(d) *Class IV*—Record sorters, daftaries, jamadars, peons, farash and similar other staff.

(ii) The Standing Committee shall determine from time to time the number of posts under each scale of pay in each of the grades for the Headquarters as well as for the other offices established by the Corporation;

Provided that the Director General may sanction an increase in the number of temporary posts, in the regular sanctioned categories and the scales of Pay for a maximum period of one year subject to the conditions that the number of posts in any category so sanctioned shall not at any time exceed one-tenth of the total number of posts under the Corporation in that category sanctioned by the Standing Committee and that funds to meet the additional expenditure can be found from the sanctioned Budget grant;

Provided further that the sanction of the Central Government shall be obtained from time to time for increase in the number of any posts carrying a maximum monthly salary of five hundred rupees or above.

(iii) A sanctioned post may, at the discretion of the Director General, remain unfilled from time to time and for any length of time.

5. *Method of Recruitment*.—(i) Appointments to posts carrying a maximum monthly salary of five hundred rupees or above, shall, unless they are for an aggregate period not exceeding one year, be made in consultation with the Federal Public Service Commission. The method of recruitment in regard to such posts shall be decided by the Director General with the concurrence of the Commission. The Director General shall make the appointment as recommended by the Commission unless he is of opinion that the recommendation of the Commission should not be accepted, in which case he shall bring the matter to the notice of the Standing Committee, and if the Standing Committee, also agrees with the Director General, the matter will be submitted to the Central Government for decision.

(ii) Officiating or temporary appointments to posts carrying a maximum monthly pay of five hundred rupees or above, may be made by the Director General, for an aggregate period not exceeding one year provided that the appointment is made with the previous approval of the Chairman of the Corporation on the recommendation of a departmental committee consisting of the Director General or his nominee and two other Principal Officers of the Corporation.

(iii) The particulars of all appointments made by the Director General in accordance with clauses (i) or (ii) above shall be placed before the Standing Committee as soon as practicable.

(iv) All appointments to posts shall be made by the authorities specified in this behalf in Appendix III.

(v) In making appointments or in making promotions, the appointing authority shall follow the procedure laid down in Appendix IV.

(vi) In making appointments to posts under the Corporation regard shall be had to any reservations in favour of persons belonging to the scheduled castes or displaced persons from Pakistan, which are applicable from time to time to similar posts under the Central Government.

(vii) Appointments to the following posts shall, after 1953, normally be reserved for persons already in the service of the Corporation in the next lower grade.

- (a) Superintendents,
- (b) Assistants,
- (c) Head Clerks.

(viii) In making appointments to the following posts the qualifications and experience of persons in the service of the Corporation in the next lower grade shall be duly taken into account and as far as possible at least

one-third of the posts shall be filled by promotion of persons in that grade.

(a) Personal Assistants.

(b) Upper Division Clerks.

(c) Record Sorters, Jamadars and Daftaries.

Note.—For judging fitness for and priority in promotion departmental tests may be held and in any case regard shall be had not only to seniority and educational qualifications but also to the qualities necessary for improving the service of the Corporation, for example, output and quality of work (both speed and accuracy) courtesy, honesty and initiative.

6. *Salary*.—(i) The scales of pay for each post or group of posts which the employees shall be entitled to draw and receive shall be determined by the Standing Committee from time to time and shall be indicated in Appendix I to these regulations. The allowances and concessions which the employees shall be entitled to, shall be those which will be admissible to Govt. servants of similar class from time to time subject to modification, if any, laid down in Appendix II.

(ii) Pay and allowances shall accrue from the commencement of the active service of an employee and shall become payable on the first working day of the succeeding month in respect of the active service performed during any month.

(iii) Allowances shall only be payable to employees who are actually at the time fulfilling the conditions subject to which they are admissible.

(iv) In an incremental scale, the increment shall accrue on the completion of each specific period of service on that scale, whether such service be probatory, officiating or substantive, which shall also include in respect of the scale of pay in which an employee holds a substantive appointment, the period of leave except any extraordinary leave. Acting service in a higher grade will also count for increment in an employee's incremental scale in his own grade. Sanction to draw increments will be given by the Director General or by such other officer as may be authorised by him under instructions issued in this behalf. No increment will be withheld except as a disciplinary measure under regulation 26 and in ordering the withholding of an increment, the withholding authority shall state the reasons for doing so and the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

Provided that if in such scale there is an efficiency bar, an employee shall not draw increments above that bar until he has been certified fit to do so by an officer competent to make an appointment to the post;

(v) On promotion from one grade or appointment to another, an employee shall be started at the stage in the new scale next above his existing pay.

Provided that where the promotion is of a purely temporary nature for a period not exceeding two months and the circumstances of promotion so justify, or in cases where some additional or higher responsibilities are entrusted to any employee other than those ordinarily attached to his post, his pay in the officiating post may be fixed at an amount less than that admissible under the above regulation or he may be compensated by the grant of an extra amount by way of additional pay.

7. *Qualifications*.—Appointments to various posts under the Corporation shall be subject to such educational and other qualifications as the Standing Committee or the Director General may from time to time lay down.

8. *Starting salary*.—(i) All appointments shall ordinarily be made at the minimum pay of the grade but applicants with special qualifications or experience may, on recommendation by the Federal Public Service Commission, be started on a higher stage in the grade with the approval of the Director General. The particulars of all such cases shall be placed in a statement before the Standing Committee as soon as practicable.

(ii) The starting pay of a Government servant, permanent or temporary, appointed under the Corporation, may be regulated by the rules which would be applicable to him if he were appointed to a similar post under the Central Government.

9. *Age*.—Ordinarily no person who is more than 45 years of age, shall be taken in service; provided, however, that in case of officers, specially qualified persons may be recruited upto the age of 50 years.

10. *Certificates of Health and Character*.—No person shall be appointed to the service of the Corporation unless he has been certified by a qualified medical practitioner appointed in this behalf by the Corporation, to be of sound constitution and medically fit and also produces a certificate acceptable to the Corporation that he bears good moral character, except in the case of Government servant, temporary or permanent, taken into the Corporation's service, in whose case both the medical certificate and the certificate of character shall not be required if he has already produced such certificates for Government service and provided there is no break in his service.

11. *Commencement of service*.—Active service shall commence from the working day on which an employee reports for duty in an appointment covered by these regulations at the place and time intimated to him by the appointing authority provided that he reports before noon, otherwise his active service shall commence from the next working day.

12. *Seniority*.—The seniority in various posts in various grades, shall be regulated *mutatis mutandis* according to the rules in force in the Central Government Offices.

13. *Termination of service*.—(i) Notwithstanding anything contained in these regulations an employee shall not leave or discontinue his service in the Corporation without first giving one month's notice in writing of his intention to do so to the Officer-in-Charge of his office or in the case of the Head of an office to the next superior officer. In the case of other than temporary officers and those on probation, three months' notice in writing is required. In case of breach of this regulation by him he shall be liable to pay to the Corporation as compensation a sum equal to his basic pay for the said period of notice;

Provided that the payment of such compensation may be waived at its discretion by the authority authorised to make appointments to the post which the employee holds.

(ii) The Corporation may terminate the service of an employee by calling upon him to resign, or otherwise, at any time, after the expiry of the period of his probation on giving him three months' notice or pay in lieu thereof. The power to terminate the service of an employee other than a temporary employee shall be exercised by the Director General with the prior approval of the Standing Committee, in the case of an officer and by the authority competent to make appointment, with the prior approval of the Director General, in the case of other employees. In the case of an employee appointed in consultation with the Federal Public Service Commission, the Commission shall also be consulted and in case of a difference of opinion between the Commission and the Corporation, the matter shall be referred to the Central Government for decision; in the case of all other employees the Departmental Committee for appointment to similar posts shall be consulted before termination of services under this sub-regulation. A statement giving the particulars of all cases of termination of services under this sub-regulation shall be placed before the Standing Committee as soon as practicable.

(iii) Subject to regulation 14, the services of a temporary employee may be terminated on the expiry of the period for which his appointment was made by the authority which appointed him or at any time prior to that date on one month's notice or pay in lieu thereof by the authority competent to make an appointment to the post.

(iv) Nothing in sub-regulation (ii) shall affect the right of the Corporation (a) to retire or dismiss an employee without notice or pay in lieu thereof in accordance

with the provisions of regulations 17 & 26 and (b) to terminate the services of an employee without notice or pay in lieu thereof on his being certified by a Medical Board appointed in this behalf by the Corporation to be permanently incapacitated for further continuous service in the Corporation.

(v) The expression "month" used in this regulation shall be reckoned according to the English Calendar and shall commence from the day following that as on which notice is given by the employee or the Corporation as the case may be.

14. *Probation*.—All employees shall be on probation for a period of six months after the commencement of active service provided that the period of probation may in any case be extended by the appointing authority upto a total period of two years. During the first month of such period, he shall be liable to be discharged without any notice or pay in lieu thereof and thereafter at one month's notice or pay in lieu thereof. An employee promoted from a lower class to a higher class or grade, shall also be liable to be reverted without notice at any time within one year of such promotion.

Provided that nothing in this regulation shall apply to limit the liability to discharge or to reversion of an employee who has been appointed or promoted to officiate in a temporary vacancy.

15. *Medical treatment*.—(a) Every employee shall be entitled to free medical treatment of such standard and type or be reimbursed the cost of medical expenses subject to such limits as may be laid down by the Standing Committee from time to time.

(b) The members of the family of every employee shall also be entitled to similar facilities.

(c) Till the Standing Committee decides otherwise, the medical facilities provided and the scale on which reimbursement is provided shall be of a standard similar to those admissible to similar class of Central Government servants and their families.

(d) The Director General may make *ex-gratia* payments in deserving cases not covered by the aforesaid clauses.

16. *Provident fund*.—All employees other than those whose services are obtained on loan from the Central or Provincial Governments, shall, if so required by the regulations relating to the Employees' State Insurance Corporation Provident Fund, contribute to that Provident Fund in accordance with those regulations.

17. *Retirement*.—Except as otherwise provided in these regulations the date of compulsory retirement of an employee, is the date on which he attains the age of 55 years. He may be retained in service after the date of compulsory retirement with the sanction of the Standing Committee on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except with the sanction of the Standing Committee and in very special circumstances which must be recorded in writing.

18. *Record of service*.—(i) A service book shall be maintained in respect of each employee by the Corporation at the Headquarters or other offices. A separate leave account of each employee shall be prepared and attached to the employee's service book.

(ii) Confidential reports file in respect of officers and staff (except class IV servants) shall be maintained in such form as the Director General may lay down from time to time and any adverse entry proposed to be made in these reports shall be made as far as may be in accordance with the rules in force in the Central Government offices from time to time.

(iii) Establishment list for Headquarters and other offices shall also be maintained containing the names of all employees in different grades in order of seniority, the posts in which they are acting, their grade and date of their confirmation therein, their pay and date of their next increment, their community, date of birth, first day of active service, length of their active service and the date of their attaining the age of 55 or 60 as the case may be.

PART II (DISCIPLINE).

19. The whole time of an employee while he is in the service of the Corporation shall be at the disposal of the Corporation and he shall serve the Corporation in its business in such capacity and in such place as he may from time to time be directed.

20. (i) All employees shall serve the Corporation faithfully and shall maintain the strictest secrecy regarding the Corporation's affairs. They shall use their utmost endeavours to promote the interests of the Corporation and shall show courtesy and attention in all transactions and intercourse with all public servants and the public and in particular with employers and insured persons. No employee shall take an active part in politics or in any political demonstration.

(ii) Any employee who in the opinion of the Corporation is engaged in or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities in such a manner as to raise doubts about his reliability may be compulsorily removed from service in accordance with regulation 13 (ii) and he may, in the meantime, be required by order in writing to proceed on such leave as may be admissible and from such date as may be specified in the order.

21. An employee shall not absent himself from his duties without having first obtained the permission of the officer in charge of his office, nor shall he absent himself in case of sickness without submitting a medical certificate:

(a) Provided that in case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the officer in charge, be dispensed with.

(b) Provided further that the authority competent to sanction leave may at its discretion secure a second medical opinion by requesting the Civil Surgeon of a place or any other Medical Officer-in-charge of an Insurance Dispensary to have the applicant medically examined.

22. An employee shall not solicit or accept any gift from an employer or insured person or any subordinate employee.

23. No employee shall engage in any commercial business either on his own account or as agent for others, nor act as an agent for an Insurance Company.

24. An employee shall not speculate in stocks, shares, securities or commodities of any description or be connected with the formation or the management of a joint stock company.

25. An employee who is in debt shall furnish a signed statement of his position half-yearly on the 30th June and 31st December to the officer in charge of his office or the Director General in the case of officers and shall indicate in the statement the steps he is taking to rectify his position. An employee who makes a false statement under this regulation or who fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time shall be liable to dismissal.

Note.—For the purpose of this regulation an employee shall be deemed to be in debt if he is unable from his own resources to meet his financial liabilities as they fall due for settlement.

26. *Punishments.*—(i) An employee who commits a breach of these regulations or who displays negligence, inefficiency, discourtesy or indolence or who knowingly does anything detrimental to the interests of the Corporation or in conflict with its instructions or who commits a breach of discipline or is guilty of any other act of misconduct or who is convicted of a criminal offence shall be liable to the following penalties—

- (a) Censure;
- (b) Withholding of increments or promotion, including stoppage at an efficiency bar;
- (c) Reduction to a lower post or time scale or to a lower stage in a time scale;

(d) Recovery from the pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders on the part of an employee;

(e) Suspension;

(f) Removal from service which does not disqualify from future employment;

(g) Dismissal which ordinarily disqualifies from future employment.

Explanation:—

The discharge—

(a) of an employee appointed on probation during or at the end of the period of probation on grounds arising out of the specific conditions laid down by the appointing authority e.g., want of vacancy, failure to acquire prescribed special qualifications or to pass a prescribed test;

(b) of an employee appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of appointment;

(c) of an employee engaged under contract, in accordance with the terms of his contract; and

(d) of an employee under the terms of regulation 13(ii);

does not amount to removal or dismissal within the meaning of this regulation.

Note:—(i) The discharge of a probationer, whether during or at the end of the period of probation, for some specific fault or on account of his unsuitability for the service, amounts to removal or dismissal within the meaning of this regulation.

(ii) All the terms mentioned above shall have the meaning assigned to them under relevant rules applicable to Central Government servants.

(ii) No order of dismissal, removal or reduction shall be passed on an employee [other than an order based on facts which have led to his conviction in a criminal court (or by a Court Martial)] unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This sub-regulation shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the sub-regulation may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the sub-regulation and these requirements can be waived without injustice to the person charged.

(iii) Without prejudice to the provisions of sub-regulation (ii) above no order imposing the penalty specified

in clauses (a), (b) and (d) of sub-regulation (i) (other than an order passed on facts which have led to his conviction in a criminal court or by a Court Martial, or order superseding him for promotion to higher post on the ground of his unfitness for that post) on any employee to whom these regulations are applicable shall be passed unless he has been given an adequate opportunity of making any representation that he may desire to make and such representation, if any, has been taken into consideration before the order is passed.

Provided that the requirements of this sub-regulation may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and where they can be waived without injustice to the employee concerned.

Note 1.—The power to hold enquiry under this regulation and the procedure to be followed at such enquiry with the exception of the final order may be delegated to an officer other than the authority competent to make appointment.

Note 2.—An employee may be placed under suspension by the officer empowered to pass the final order under this regulation. During such suspension he shall receive such subsistence allowance and other allowances as may be admissible from time to time to Central Government servants of the same class, provided that if no penalty under clauses (c), (d), (e), (f) or (g) of sub-regulation (i) is imposed the employee shall be refunded the difference between the subsistence allowance and the emoluments which he would have received but for such suspension, and that, if a penalty is imposed on him under the said clauses, no order shall be passed which shall have the effect of compelling him to refund such subsistence allowance. The period during which an employee is under suspension shall, if he is not dismissed from the service, be treated as period spent on duty or leave as the officer who passes the final order may direct.

27. Appeals.—An employee shall have a right of appeal to an appellate authority in accordance with Appendix III if he considers that any order passed by any superior authority injuriously affects his interests. (Such appeal shall be sent through his immediate superior officer who shall forward it to the appellate authority with his comments. Trivial appeals, appeals in matters which do not affect an employee personally and appeals which merely repeat an appeal which has been already rejected, shall not be answered. Appeals shall not be addressed personally to the Director General of the Corporation and any such appeal shall be deemed a breach of discipline).

PART III—LEAVE.

(A) General rules relating to leave.

28. All applications for leave shall be addressed to the officer incharge authorised by the Director General to sanction such leave.

29. Leave commences on the day the employee hands over charge if the charge is made over on the forenoon and on succeeding day if the charge is made over in the afternoon, unless he is permitted to prefix Sunday or holidays to such leave. It ends on the day preceding the day on which he resumes charge if the charge is resumed in the forenoon and on the day he resumes charge if the charge is resumed in the afternoon unless he is allowed to suffix Sunday or holidays to his leave.

30. An employee on leave shall, unless otherwise instructed to the contrary, return to the place at which he was last stationed.

31. An employee who overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall draw no salary during such overstay and shall further be liable to disciplinary

measures by the Director General or other officer authorised by him in his behalf.

32. Notwithstanding anything contained in these regulations, the Corporation has the right to refuse to grant leave or revoke leave already granted when this appears to it to be necessary in view of the exigencies of the service.

(B) Regular Leave.

33. The employees of the Corporation shall be governed by the Revised Leave Rules of the Central Government as amended from time to time excepting such employees whose services have been obtained on loan from the Central or Provincial Governments. Such employees shall continue to be governed by the leave rules applicable to them.

PART IV—MISCELLANEOUS.

34. In all matters not covered by the regulations the employees of the Corporation shall be governed by the relevant rules applicable to similar Central Government servants from time to time.

35. Every employee to whom these regulations apply or who exercises his option to come under them shall subscribe to an agreement in the following form:—

"I hereby declare that I have read and understood the Employees' State Insurance Corporation (Staff) Regulations and I hereby subscribe and agree to be bound by the said Regulations."

Name in full.

Nature of appointment.

Date of appointment.

Signature.

Dated.

Witness.

APPENDIX I

Scale of pay.

(Regulations 4 and 6).

I—Headquarters

CLASS I

Officers (other than Principal Officers)

Posts	Scales of pay
Administrative Officer ..	Rs. 500—30—800
Assistant Insurance Commissioner	Rs. 350—25—500—EB—30—800
Assistant Medical Commissioner.	Rs. 350—25—500—EB—30—800 plus 25% of pay, non-practising allowance subject to a maximum of Rs. 150/- per month.
Assistant Accounts Officer ..	Rs. 350—25—500—EB—30—800.
Planning Officer Grade I ..	Rs. 350—25—500—EB—30—800.
Planning Officer Grade I (Medical)	Rs. 350—25—500—EB—30—800 plus 25% of pay, non practising allowance subject to a maximum of Rs. 150/- per month.

CLASS II

Planning Officer Grade II ..	Rs. 250—10—300—15—450—25/2—500.
Superintendent (Senior) ..	Rs. 400—20—500.
Private Secretary to Director General	Rs. 300—20—400.

CLASS III

Superintendent (Junior) ..	Rs. 250—15—400.
Assistant ..	Rs. 160—10—300—EB—15—450.
Cashier ..	Rs. 80—5—120—EB—8—200—10/2—220 plus a special pay of Rs. 20/- per month.
Upper Division Clerks ..	Rs. 80—5—120—EB—8—200—10/2—220.
Lower Division Clerks ..	Rs. 55—3—85—EB—4—125—5—130.
Personal Assistant to Director General	Rs. 160—10—330 plus a special pay of Rs. 40/- per month.
Personal Assistant to other Principal Officers.	Rs. 160—10—330.
Stenographer ..	Rs. 80—5—120—EB—8—200—10/2—220.
Geostation Operator ..	Rs. 40—1—50—2—60.

CLASS IV

Daftary ..	Rs. 35—1—50.
Jamadar ..	Rs. 35—1—50.
Peons ..	Rs. 30—1—35.
Farash ..	Rs. 30—1—35.
Swesper ..	Rs. 30—1—35.

II—Regional Offices

CLASS I OFFICERS

Regional Director	Rs. 600—40—1000—50—1150.
Assistant Regional Insurance Commissioner.	Rs. 350—25—500—EB—30—800.
Medical Referee	Rs. 350—25—500—EB—30—800. plus 25% of pay, non-practising allowance subject to a maximum of Rs. 150/- per month.
Insurance Officer	Rs. 350—25—500—EB—30—800.

CLASS II

Insurance Inspector	Rs. 250—25—600.
Assistant Insurance Officer	Rs. 275—25—450—30/2—480.
Medical Officer	Rs. 275—25—450—30/2—480. plus 25% non-practising allowance.

CLASS III

Superintendent	Rs. 250—15—400.
Head Clerk	Rs. 160—10—250.
Upper Division Clerk	Rs. 80—5—120—EB—8—200—10/2—220.
Lower Division Clerk	Rs. 55—3—85—EB—4—125—5—130.
Stenographer	Rs. 80—5—120—EB—8—200—10/2—220.

CLASS IV

Daftary	Rs. 35—1—50.
Peon	Rs. 30—1—35.

III—Local Offices

CLASS II

Manager, Grade I	Rs. 250—25—600.
Manager, Grade II	Rs. 200—20—400.

CLASS III

Head Clerk	Rs. 160—10—250.
Upper Division Clerk	Rs. 80—5—120—EB—3—200—10/2—220.
Lower Division Clerk	Rs. 55—3—85—EB—4—125—5—130.
Cashier	Rs. 55—3—85—EB—4—125—5—130 plus Rs. 30/- per month in big offices and Rs. 20/- per month in small offices.

CLASS IV

Record Keeper	Rs. 35—1—50.
Peons	Rs. 30—1—35.

APPENDIX II.

Allowances.

(Regulation 6.)

1. Dearness Allowance	At the rates and on the conditions as sanctioned by the Government of India from time to time for similar Government servants.
2. Compensatory (City) Allowance..	At the rates and on the conditions as sanctioned by the Government of India from time to time for similar Government servants provided that class I Officers of the Corporation shall be treated as 'gazetted officers' for the purposes of this allowance and other officers and staff as 'non-gazetted staff'.
3. House Rent Allowance	At the rates and subject to the conditions as may be sanctioned by the Government of India from time to time for similar Government servants provided that for the words 'Government residential accommodation' read 'Corporation residential accommodation'.
4. P.T.O. Concession	As admissible to Central Government servants subject to such modifications as may be prescribed by the Central Government from time to time.
5. Travelling Allowance	At the rates and on the conditions as sanctioned by the Government of India from time to time for similar Government servants.
6. Conveyance Allowance	For such posts at such rates and subject to such conditions as may be specified from time to time by the Standing Committee.

APPENDIX III.

(I) Authorities empowered to make appointments.

Posts	For officiating or temporary appointments for an aggregate period not exceeding one year	All other appointments
1. Posts carrying a maximum monthly pay of Rs. 500/- or more.	Director General in accordance with regulation 5 (ii).	Director General in consultation with the Federal Public Service Commission.
2. Posts carrying a maximum monthly salary of less than Rs. 500/-.		
(a) Officers posts at Headquarters.	Director General ..	Director General.
(b) Officers at Regional and Local Offices.	Director General ..	Director General.
(c) Ministerial staff at Headquarters.	Director General ..	Director General.
(d) Ministerial staff and sick visitors at Regional and Local Offices.	Regional Director ..	Regional Director.
(e) Class IV staff at Headquarters.	Administrative Officer	Administrative Officer.
(f) Class IV staff at Regional and Local Offices.	Head of office in Regional or Local Office.	Regional Director.

Note.—Any power to make appointments may be exercised by the Director General at his discretion if he considers it necessary in any case or class of cases.

(II) *Appeals.*—Every employee shall be entitled to appeal in accordance with regulation 27, as hereinafter provided from an order passed by an authority:—

- Imposing upon him any of the punishments specified in regulation 26;
- Discharging him from service;
- Altering to his disadvantage his conditions of service, pay and allowance as regulated by these regulations or in a contract of service;
- Interpreting to his disadvantage the provisions of any rules or contract of service where by his conditions of service, pay and allowances are regulated.

2. An employee appointed in 'consultation' with the Federal Public Service Commission may appeal to the Standing Committee from an order passed by the Director General and order on such appeal shall be passed by the Standing Committee after consulting the Commission.

3. An officer or any member of the staff appointed by the Director General may appeal to the Director General from an order passed by an authority subordinate to him and also to the Standing Committee from an order passed by the Director General or from an order passed by the Director General as appellate authority.

4. A member of the staff appointed by an authority subordinate to the Director General may appeal to the Director General from an order passed by any authority subordinate to him.

5. In case of an appeal against an order imposing any punishment specified in regulation 26 the appellate authority shall consider:—

- whether the facts on which the order was passed have been established,
- whether the facts established afford sufficient ground for taking action;
- whether punishment is excessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

6. In the case of an appeal against an order under clauses (b), (c) and (d) of para 1 above, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

7. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

8. Every person preferring an appeal shall do so separately and in his own name.

9. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be submitted through the head of office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

10. The appeal may be withheld by the Director General, except in the case of permanent Government servants, in the following circumstances:—

- (a) if it is an appeal in a case in which under these rules no appeal lies;
- (b) if it does not comply with the provisions of para 9 above;
- (c) if it is not preferred within six months after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay;
- (d) if it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for reconsideration of the case;
- (e) if it is addressed to an authority to which no appeal lies under these rules;

Provided that in every case in which the appeal is withheld the appellant shall be informed of the fact and the reasons for it.

11. No appeal shall lie against withholding of an appeal by the competent authority.

12. Every appeal which is not withheld under these rules shall be forwarded by the authority from whose order the appeal is preferred with an expression of opinion to the appellate authority.

13. The Director General shall furnish to the Standing Committee quarterly a list of appeals withheld by him together with reasons for withholding the same.

14. The appellate authority may call for any appeal admissible under these rules which has been withheld by the subordinate authority and may pass such orders thereon as it considers fit.

APPENDIX IV.

(Regulation No. 5.)

I.—Procedure for recruitments and promotions. Recruitment.

1. Recruitment to posts carrying a maximum monthly pay of Rs. 500/- or above, other than officiating or temporary appointments for an aggregate period not exceeding one year, shall be made in consultation with the Federal Public Service Commission. The Commission should for this purpose be furnished with full information regarding such posts in the prescribed requisition form for recommending suitable candidates therefor.

2. Officiating or temporary appointments to posts carrying a maximum monthly pay of Rs. 500/- or above for an aggregate period not exceeding one year may be made by the Director General on the recommendations of the Departmental Committee and with prior approval of the Chairman of the Corporation.

3. Recruitment to posts, other than those mentioned in paras 1 and 2 above and Class IV posts shall be made by the competent authority on the recommendations of the Departmental Committee. For this purpose applications may be invited by sending notices to various Government Offices including in the case of recruitment for the Regional and Local offices, the offices of the Provincial Governments concerned, and/or publication of

advertisement in the press, and/or by reference to Employment Exchanges. The notice and advertisement should give full particulars of the number of vacant posts, scales of pay and allowances, likely duration of the posts and the qualifications and experience required of the candidates. The candidates may be required to appear for a written test and/or come for interviews at their own expense.

4. Every application received in time in response to an advertisement or notice shall be duly considered by the Departmental Committee. The Departmental Committee shall also make recommendations in regard to higher starting salary which it considers justified in any particular case and shall indicate the order of merit of the selected candidates. When making selection for vacant posts a few more candidates may be placed on the waiting list to fill vacancies which may occur if any of the persons selected for the vacant posts do not join duty or if any further vacancy arises in the immediate future.

II.—Promotions.

5. In cases where it is considered that posts carrying a maximum monthly salary of Rs. 500/- or above can be filled by departmental promotion, the particulars of the departmental candidates should be considered by the Departmental Committee and the recommendations of the Committee with full particulars of the candidates who were considered may be referred to the Federal Public Service Commission, for concurrence.

6. Departmental candidates will also be considered for promotion to posts carrying a maximum monthly pay of less than Rs. 500/-. The Principal Officers or the Heads of offices concerned may be requested in the first instance to give their recommendations in respect of the staff working under them whom they consider suitable for promotion and selections can be made by the Departmental committee. In judging fitness for promotion, departmental test may be held and due consideration will be given not only to seniority and educational qualifications but also to the qualities necessary for improving the service of the Corporation such as output and quality of work (both speed and accuracy) courtesy, honesty and initiative. The departmental candidates selected for promotion may also be ranked in the order of merit along with other candidates.

III.—Departmental Committees.

The Departmental Committees should be constituted by the Director General from time to time for purposes of recruitment and promotion in accordance with the following:—

(i) For posts of officers at Headquarters.

The Committee shall consist of the Director General or his nominee and at least two other Principal Officers. The Principal Officers under whom the post has arisen or his nominee shall as far as possible be a member of the Committee. The Administrative Officer at Headquarters shall act as Secretary to the Committee.

(ii) For Posts of officers at Regional and Local Offices.

The Committee shall consist of the Director General or his nominee, the Insurance Commissioner or his nominee and one other Principal Officer. The Regional Director concerned may be a member of the Committee, if the Director General so directs.

(iii) For posts, other than those of officers, and Class IV Posts at Headquarters.

The Committee shall consist of at least two Principal Officers and the Administrative Officer.

(iv) For Posts, other than those of officers, and Class IV posts, at Regional and local Offices.

The Committee shall consist of the Regional Director or an officer nominated by him and two other officers nominated by the Director General on the recommendation of the Insurance Commissioner. For this recruitment the Departmental Committee shall at the Regional Headquarters as far as possible.

C. L. KATIAL,
Director General.

New Delhi, the 31st December 1949

No. RS/548.—The following draft of certain regulations which the Employees' State Insurance Corporation proposes to make in exercise of the powers conferred by section 97 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th February, 1950.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the said Corporation.

DRAFT REGULATIONS

CHAPTER I

1. *Short title.*—These regulations may be called the Employees' State Insurance (General) Regulations, 1949.

2. *Definitions.*—In these regulations, unless there is any thing repugnant in the subject or context,—

- (a) "Act" means the Employees' State Insurance Act (XXXIV of 1948);
- (b) "Appointed Day" means with reference to any area, factory or establishment, the day from which chapters IV and V of the Act apply to the area, factory or the establishment, as the case may be;
- (c) "Appropriate Office", "appropriate Local Office" or "appropriate Regional Office" shall mean with reference to any action taken under these regulations, such office of the Corporation as may be specified for that purpose by a general or special order of the Corporation;
- (d) "Central Rules" means the rules made by the Central Government under section 95 of the Act;
- (e) "Contribution Card" means a card issued in respect of an insured person for the purpose of affixing contribution stamps, or recording otherwise the contributions paid, in respect of such person under the Act;
- (f) "Contribution Stamp" means a stamp issued by the authority of the Corporation for the purpose of paying contributions under the Act and these regulations;
- (g) "Employer" means the principal employer as defined in the Act;
- (h) "Factory or Establishment" means a factory or establishment to which the Act applies;
- (i) "Form" means a form appended to these regulations;
- (j) "Identity Card" means a card issued by the Corporation to an insured person for identification for the purposes of the Act and these regulations;
- (k) "Inspector" means a person appointed by the Corporation as such under section 45 of the Act;
- (l) "Instructions" means instructions or orders issued by the Corporation or by such officer or officers of the Corporation as may be authorised by the Corporation in this behalf;
- (m) "Insurance Medical Dispensary" means a dispensary for purposes of providing medical benefit under the Act;
- (n) "Insurance Medical Officer" means a medical practitioner appointed as such to provide medical benefit and to perform such other functions as may be assigned to him;
- (o) "Local Office" and "Regional Office" shall mean according to the context such subordinate office of the Corporation, set up at such place and with such jurisdiction and functions as the

Corporation may from time to time determine;

- (p) "Local Office Manager" means a person appointed by the Corporation as such and who is the officer-in-charge of a Local Office;
- (q) "Provincial Rules" means the rules made by the Provincial Government under section 96 of the Act;
- (r) "Regional Director" means a person appointed by the Corporation as such for a specified region;
- (s) "Registered midwife" means a person who is registered as a midwife under any law in force in any province providing for registration of nurses;
- (t) "Rules" means the rules made under the Act;
- (u) "Specified" means specified by instructions issued from time to time by the Corporation or any authorised officer;
- (v) "Year" means a calendar year except when specifically stated otherwise;
- (w) All other words and expressions have the meaning respectively assigned to them in the Act or the rules, as the case may be.

3. *The manner in which the Corporation may exercise its powers.*—Where a regulation empowers the Corporation to specify, prescribe, provide, decide or determine anything or to do any other act, such power may be exercised by a resolution of the Corporation or subject to the Provisions of section 18 of the Act by a resolution of the Standing Committee.

Provided that the Corporation or the Standing Committee may delegate any of its powers to a sub-committee or an officer of the Corporation.

4. *Contribution and Benefit periods.*—(1) A "Contribution period" shall be one of the following periods:—

Beginning with the midnight of the first Saturday	Ending with the midnight of the first Saturday in next	Hereinafter called
(i) January ..	July ..	} Set A.
(ii) July ..	January ..	
(iii) March ..	September ..	} Set B.
(iv) September ..	March ..	
(v) May ..	November ..	} Set C.
(vi) November ..	May ..	

(2) "Benefit Periods" corresponding to the Contribution periods in the preceding sub-regulation shall be as follows:—

Contribution Period		Corresponding Benefit period	
From the mid- night of the First Saturday in	To the mid- night of the first Saturday in next	From the mid- night of the first Saturday in	To the mid- night of the first Saturday in next
(i) January	July	October	April
(ii) July	January	April	October
(iii) March	September	December	June
(iv) September	March	June	Dec.
(v) May	November	February	August
(vi) November	May	August	February

5. *Allotment of Contribution and Benefit periods.*—

(1) The Corporation or, in accordance with the instructions issued in this behalf by the Corporation, the employer shall allot to each person who is an employee within the meaning of the Act on the Appointed Day, a set of Contribution periods and the corresponding Benefit periods; and the first Contribution and the corresponding Benefit period for the employee shall commence and end on such dates as the Corporation may determine for that set of periods.

(2) In the case of a person who becomes an employee within the meaning of the Act after the Appointed Day the Contribution and the corresponding Benefit period

shall be governed by the date on which he commences work in the factory or, as the case may be, the establishment in the manner following:—

Date of commencing work as above falling in the calendar months	Contribution period	Corresponding Benefit period
(i) January-February	January-July	October-April
(ii) July-August	July-January	April-October
(iii) March-April	March-September	December-June
(iv) September-October	September-March	June-December
(v) May-June	May-November	February-August
(vi) November-December	November-May	August-February

11. *Declaration by persons engaged after the appointed day.*—The employer in respect of a factory or an establishment shall, before taking any person into employment in such factory or establishment after the Appointed Day, require such person, unless he can produce an Identity Card issued to him under these regulations, to furnish, and such person shall on demand furnish to him correct particulars in a Declaration in Form I. Such employer shall enter the particulars in the Declaration Form and obtain the signatures or the thumb impressions of the person and sign the certificate on the Form at the places provided for the purpose.

12. *Preparation of Contribution Card.*—The employer shall immediately after completing the Declaration Forms under regulation 10 or 11 as the case may be, prepare a Contribution Card in Form 2, in respect of every employee including those who produce an Identity Card and in respect of whom no fresh Declaration Form is prepared.

13. *Declaration Forms to be sent to Regional Office.*—The employer shall send to the appropriate Regional Office by registered post or messenger all completed Declaration Forms prepared under regulation 10 or 11 together with a return in duplicate in Form 3 on or before the Monday, following the Appointed Day or the week in which the Declaration Forms were completed.

14. *Allotment of Insurance Number.*—On receipt of the return required under regulation 13, the appropriate Regional Office shall promptly allot an Insurance Number to each person in respect of whom the Declaration Form has been received unless it finds that the person had already been allotted an Insurance Number. The Insurance Number shall be communicated to the employer and shall be entered by the employer on the Contribution Card of the person.

15. *The Corporation to receive assistance from employers.*—An employer shall render all necessary assistance which the Corporation may require in connection with the registration of his employees and specially for photographing such employees, and affixing the photographs to the Identity Cards.

16. *Identity Cards.*—The appropriate Regional Office shall arrange to have an Identity Card prepared in Form 4 for each person in respect of whom an Insurance Number is allotted and shall send all such Identity Cards to the employer. Such employer shall obtain the signature or thumb impression of the employee on the Identity Card and shall sign it himself in attestation thereof and then deliver the Identity Card to the employee after obtaining a receipt therefor.

17. *Loss of Identity Card.*—In case of loss, defacement or destruction of an Identity Card, the insured person shall report the loss of the Identity Card to the appropriate local office, and the Corporation may issue a duplicate copy of the Identity Card on payment of a fee of two rupees.

18. *Period for which Contribution Card valid.*—A Contribution Card issued under these regulations shall be current till the end of the contribution period in respect of the person to whom it relates.

19. *Fresh Contribution Card.*—Every employer shall on or before the expiration of the period of currency of a Contribution Card prepare in respect of the employee to whom the Card relates a fresh Contribution Card in Form 2 for the next contribution period.

20. *Custody of Contribution Cards.*—The employer shall retain the Contribution Cards in respect of the employees in his factory or establishment and be responsible for the custody thereof so long as such Cards are not disposed of in accordance with the provisions of these regulations.

21. *Inspection of Contribution Cards by Inspector.*—An employer being in possession of any Contribution Card shall produce it for inspection at any reasonable time when required to do so by an Inspector or by any other official of the Corporation authorised by it, and, if so required, shall deliver the Contribution Card to the

6. *Meetings of the Corporation, the Standing Committee and the Medical Benefit Council.*—The meeting of the Corporation, the Standing Committee and the Medical Benefit Council shall be held in accordance with the Central Rules at such time and place as may be fixed by the Chairman concerned.

7. *Decision by majority.*—Every matter coming up for decision before a meeting of the Corporation, the Standing Committee or the Medical Benefit Council shall be decided by a majority of persons present and voting at the meeting and in case of equality of votes, the Chairman of the meeting shall have an additional casting vote.

8. *Mode of exercising vote.*—The votes shall be given by show of hands and the names of persons voting in favour and against any proposition shall be recorded only if any member present requests the Chairman to do so.

9. *Matters to be brought before the Corporation.*—In addition to the matters which are, under any specific provision of the Act or the Central Rules, required to be placed before the Corporation, the following matters shall be referred to the Corporation for decision:—

- Regulations under section 97 and amendments thereto before final publication.
- Any measures proposed under section 19 of the Act.
- Any proposal to extend medical benefit to families under sub-section (2) of section 46.
- Any proposal to arrange for medical treatment at clinics of medical practitioners under the proviso to sub-section (1) of section 58.
- Any dispute proposed to be referred to arbitration under sub-section (4) of section 58.
- Any proposal to set up hospitals under section 59.
- Any proposal to grant exemption under section 91 to a factory or an establishment.
- Any agreement under section 98 with an Indian State.
- Any proposals to enhance benefits under section 99.
- Any other matter which the Corporation or its Chairman may direct the Standing Committee or the Director General to place before the Corporation.

CHAPTER II.

Collection of Contributions, etc.

10. *Declaration by persons in employment on appointed day.*—The employer in respect of a factory or an establishment shall require every employee in such factory or establishment on the Appointed Day to furnish and such employee shall on demand furnish to him correct particulars in a Declaration in form I. Such employer shall enter the particulars in the Declaration Form and obtain the signatures or the thumb impressions of the person and sign the certificate on the Form at the places provided for the purpose.

Inspector or official who may, if he thinks fit, retain it. The Inspector or the official shall give a receipt for a Contribution Card retained by him. The employer shall prepare immediately another Contribution Card in respect of the person whose card is taken away by the Inspector.

22. *Inspection of Contribution Cards by employees.*—Every employer having the custody in accordance with these regulations of the Contribution Card of an employee shall give him a reasonable opportunity to inspect his Card, if he so desires; provided that no person shall be entitled by virtue of this provision to inspect his Contribution Card more than once in any calendar month or except at such reasonable time as may be fixed by the employer for the purpose.

23. *Loss of Contribution Card.*—Where the Contribution Card of any person while in the custody of an employer is destroyed or lost or is defaced in any material particular, the employer shall forthwith report the destruction, loss or defacement of the Contribution Card to the appropriate Regional Office and shall forthwith prepare a new Contribution Card in respect of such person and arrange for affixing thereon the Contribution stamps which should have been affixed upto date, or for recording the particulars regarding contributions paid in cash.

24. *Refund for Contribution Stamps.*—The Corporation may, subject to satisfactory evidence being produced, and subject to such conditions as it may lay down, grant a refund for contribution stamps which were affixed to a card destroyed, lost or defaced.

25. *Contribution Cards to be sent to Regional Office.*—An employer, being in possession of a Contribution Card in respect of any person, shall send it by registered post or messenger, together with a return in duplicate in Form 5, to the appropriate Regional Office—

- (a) within 3 days of the date on which he comes to know of the death of such person;
- (b) within 3 days of the date of receipt of a requisition in that behalf from the appropriate Regional Office;
- (c) within 7 days of the termination of the Contribution period to which it relates.

26. *Return of employment.*—At the end of each Contribution period an employer shall send to the appropriate office a return of employment in Form 6 together with the return in Form 5 provided for in regulation 25.

27. *Preparation of Contribution Cards by the Corporation.*—Notwithstanding anything contained in these regulations the Corporation may prepare and issue Contribution Cards in respect of any person to whom the Act applies, and where it does so the employer shall not issue any Contribution Card in respect of such person.

28. *Contribution Stamps.*—Every contribution payable under the Act, shall, except as otherwise provided herein, be paid by affixing contribution stamps on the Contribution Card of the employee in the space indicated for that purpose upon the Card. The contribution stamps shall be of such shape and design as the Corporation may from time to time determine, and shall be sold in such manner at such agencies as the Corporation may notify from time to time in the official Gazette.

29. *Contribution Stamp Book.*—Every employer shall keep a 'Contribution Stamp Book' in a specified form in which shall be entered all purchases and utilisations of contribution stamps by the employer, and such book shall be open to inspection by an Inspector or any other official of the Corporation authorised by it.

30. *Time for payment of Contribution.*—An employer who is liable to pay contribution in respect of any employee shall pay those contributions at the following times:—

- (a) Before paying directly or indirectly to the employee wages or remuneration in respect of the period for which contribution is payable and due; provided that where the employees'

remuneration for any period is paid in advance by the employer, the employer shall pay contribution in advance for that period before the payment of the remuneration;

- (b) Within fourteen days of the termination of employment where employment is terminated by an employee without notice or intimation to the employer, and forthwith on the termination of employment where employment is terminated in any other manner; and
- (c) Within six days after the termination of the contribution period in respect of such employee.

31. *Mode of payment of Contribution.*—The Corporation may, if it thinks fit and subject to such terms and conditions as it may impose, approve any arrangement, including payment in cash, whereby contributions are paid at times or in a manner other than those specified in these regulations and such arrangements may include provision for the payment to the Corporation of such fees as may be determined by the Corporation to represent the estimated additional expenses to the Corporation, and may, as a condition of authorising the payment of contribution for a period at a date later than that upon which the wages or other remuneration in respect of that period are paid, require making of such deposit of money by way of security as the Corporation may determine.

32. *Cancellation of Contribution Stamps.*—(1) An employer shall, immediately after affixing a contribution stamp to any Contribution Card, cancel the stamp by writing in ink, or stamping with a metallic die with black indelible ink across the face of the stamp, the date upon which it is affixed, the employer's code number and such other particulars, if any, as the Corporation may specify, and save as expressly provided in these regulation, no other writing or mark and no perforation shall be made on a Contribution Card or a contribution stamp.

(2) An employer may, if he thinks fit, inscribe upon the Contribution Card of an employee, the number of that employee upon the pay-list or in the books of the employer.

33. *Reasons for non-payment of Contributions.*—Where no contribution is payable in respect of a week or weeks in any contribution period, the reason for non-payment shall be clearly indicated in writing in the space provided for affixing stamps or recording contributions.

34. *Employment for part of a week.*—Where an employee is employed by an employer for part of a week and where such employee was not employed earlier during that week in any factory or establishment the contribution in respect of such week shall fall due on the last day of employment by such employer in that week.

35. *Employment by two or more employers successively in any week.*—Where an employee is employed by two or more employers successively in any week, the first employer employing him in that week shall be treated as his employer for the purposes of the provisions of the Act and the regulations relating to contributions, and the contribution in respect of such week shall fall due on the last day of employment by the first employer during that week.

36. *Scheme by joint employers.*—Where an employee is ordinarily employed by two or more employers in a week, the employers of such an employee may, if they think fit, submit to the Corporation a scheme for the payment of contributions in respect of such employee and the Corporation may, if it is satisfied that the scheme is such as will secure the due payment of the contributions, approve such a scheme subject to such terms and conditions as it may think necessary;

Provided that if no such scheme is submitted to or approved by the Corporation, the Corporation may specify that any one of such employers shall be treated as the employer for the purposes of the provisions of the Act and the regulations relating to contributions, and in such a case the contribution for any week shall fall due

on the last day of the week on which an employee was employed by the employer so specified.

37. *Reckoning of wages of employee employed by two or more employers in the same week*—Where an employee is employed by an employer for only a part of the week, or where an employee is employed by two or more employers in a week, only the wages payable to him for the days upto and including the day on which the contribution falls due for that week shall be taken into account in reckoning wages for the purposes of determining the average daily wages of the employee for that week.

38. *Refund of Contribution erroneously paid*—(1) Any contribution paid by a person under the erroneous belief that the contributions were payable by that person under the Act may be returned without interest by the Corporation to that person, if application to that effect is made in writing within twelve months from the day of payment.

(2) In calculating the amount of any repayment to be made under these regulations there may be deducted the amount, if any, paid to any person by way of benefit on the basis of the contribution erroneously paid and for the repayment of which the application is made.

39. *Allowance for destroyed Contribution Stamps*—Subject to such conditions as the Corporation may lay down and to the production of such evidence by way of affidavit or otherwise as the Corporation may require, allowance may be made by the Corporation for a contribution stamp which has been inadvertently and undesignedly destroyed, spoiled or rendered unfit for use and has not in the opinion of the Corporation been affixed to any material, provided that the application for relief is made within six months after the contribution stamp has been destroyed, spoiled or rendered useless.

40. *Nature of Allowance*—In a case in which allowance is made for destroyed, spoiled or misused contribution stamps, the Corporation may give in lieu thereof other contribution stamps of the same denomination and value, or if necessary and if it thinks proper, contribution stamps of any other denomination to the same amount in value, or, in their discretion, the same value in money deducting therefrom one anna per rupee as the cost of production and sale of such stamps.

41. *Unused Contribution Stamps*—Where any person is possessed of a contribution stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has not immediate use the Corporation shall, repay to him the value of the contribution stamp in money, upon his delivering up the contribution stamp to be cancelled, and proving to their satisfaction that it was purchased by him from some person duly appointed to sell and distribute contribution stamps within the period of two years next preceding the application and with a bona fide intention to use it

CHAPTER III. CASH BENEFITS.

CLAIMS.

42. *Claim for benefits*—Every claim for a benefit payable under the Act shall be made in writing, in accordance with these regulations, to the appropriate Local Office on the Form appropriate for the purpose of the benefit for which the claim is made, or in such other manner as the Corporation may subject to its being in writing accept as sufficient in the circumstances of any particular case or class of cases. Assistance for filling in the form of claim in case of insured persons who cannot do so themselves shall be provided at the Local Offices of the Corporation.

43. *When claim becomes due*—A claim for any benefit under the Act shall for the purposes of section 80 of the Act, become due on the following days—

- (a) for sickness benefit or for disablement benefit for temporary disablement for any period, on the date of the issue of the medical certificate in respect of such period; provided that in

cases where a waiting period is required the due date shall be deferred by the number of days of such waiting period;

- (b) for maternity benefit, on the date of issue, in accordance with these regulations, of the certificate of expected confinement or on the day six weeks preceding the expected date of confinement so certified, whichever is later or, if no such certificate is issued, on the date of confinement.
- (c) for disablement benefit for permanent disablement, on the date on which an insured person is declared as permanently disabled in accordance with these regulations, and
- (d) for dependants' benefit on the date of the death of the insured person in respect of whose death the claim for such benefit arises.

44. *Availability of claim forms*—Claim forms shall be available from such persons and such offices of the Corporation as it may appoint or authorise for that purpose, and shall be supplied, free of charge if reasonably demanded.

45. *Claim on wrong form*—Where a claim for any benefit has been made on an approved Form other than the Form appropriate to the benefit claimed, the Corporation may treat the claim as if it was made on the appropriate Form, provided that the Corporation may in any such case require the claimant to complete the appropriate Form.

46. *Evidence in support of claim*—Every person who makes a claim for any benefit shall in addition to the medical certificate and other forms specifically required under these regulations, furnish such other information and evidence for the purpose of determining the claim as may be required by the Corporation, and, if reasonably so required, shall for that purpose attend at such office or place as the Corporation may direct

47. *Defective claim*—If, in the absence of due signature or of due certification, a claim is defective on the date of its receipt by the Corporation, the Corporation may in its discretion, refer the claim to the claimant and if the Form is returned duly signed and certified within three months from the date on which it was referred, the Corporation may treat the claim as if it had been duly made in the first instance.

48. *Claim for inappropriate benefit*—Where it appears that a person who has made a claim for any benefit payable under the Act, may be entitled to a benefit other than that which he has claimed, any such claim may be treated as a claim in the alternative for that other benefit.

49. *Benefits when payable*—(1) Any benefit payable under the Act shall be paid:—

- (a) In the case of sickness benefit, immediately, and in any case not later than 7 days.
- (b) In the case of maternity benefit and temporary disablement benefit, not later than one month.
- (c) In the case of dependants' benefits, not later than six months.

(2) After the claim therefor together with the relevant medical or other certificates and any other documentary evidence which may be called for under these regulations has been furnished to the appropriate office, such benefit shall be paid by means of postal money orders or other orders payable through a post office, or at the option of the claimant in cash at a Local Office, or by any other means which the Corporation may in the circumstances of any particular case consider appropriate.

CERTIFICATION OF SICKNESS AND TEMPORARY DISABLEMENT.

50. *Evidence of sickness and temporary disablement*—Every insured person, claiming, sickness benefit or disablement for temporary disablement, shall furnish evidence of sickness or temporary disablement, in respect of the

days for which the claim is made, by means of a medical certificate given by an Insurance Medical Officer in accordance with these regulations in the Form appropriate to the circumstances of the case.

Provided that the Corporation may accept any other evidence of sickness or temporary disablement if in its opinion the circumstances of any particular case so justify.

51. *Persons competent to issue medical certificate.*—No medical certificate under these regulations shall be issued except by the Insurance Medical Officer to whom an insured person has been allotted or by an Insurance Medical Officer attached to a dispensary, hospital, clinic or other institution to which an insured person is allotted and such Insurance Medical Officer shall issue to such insured person free of charge, any medical certificates reasonably required by such insured person and under or for the purposes of the Act or these regulations or any other enactment;

Provided that an Insurance Medical Officer may issue a medical certificate under these regulations to an insured person who is not allotted to him or to the dispensary, hospital, clinic or other institution to which he is attached, if such officer is satisfied that in the circumstances of any particular case the insured person cannot reasonably be expected to get medical benefit from the Insurance Medical Officer or the dispensary, hospital, clinic or other institution to which such insured person has been allotted; and such certificate also shall be issued free of charge.

Provided further that an insured person shall not be granted a medical certificate unless he produces to the Insurance Medical Officer his identity card or such other document as the Corporation may issue in lieu thereof.

52. *Form of Medical Certificate.*—The appropriate Form of a medical certificate shall be filled in ink by the Insurance Medical Officer in his own hand-writing and shall contain a concise statement of the disease or disablement which in the opinion of the Insurance Medical Officer necessitates abstention from work on medical grounds or renders the person temporarily incapable of work. The statement of the disease or disablement in the medical certificate shall specify the nature thereof as precisely as the Insurance Medical Officer's knowledge of the condition of the insured person at the time of the examination permits.

53. *Time of granting medical certificate.*—(a) An Insurance Medical Officer shall give the medical certificate to an insured person at the time of the examination to which it relates; where he is prevented from so doing he shall send the certificate to the insured person within twenty-four hours thereafter.

(b) No further medical certificate relating to the same examination shall be issued, except where a duplicate of such certificate is asked for, in which case it shall be clearly marked "duplicate".

54. *Medical certificate on first examination.*—Where the examination is the first examination in respect of a spell of sickness or a spell of temporary disablement, the medical certificate shall be in the form of a first certificate (Form 7) and shall be only in respect of the date of the examination.

55. *Final medical certificate.*—If at the date of the examination to which a medical certificate other than a first certificate relates the insured person in the opinion of the Insurance Medical Officer is, or will become on a date not later than the third day after that date, fit to resume work, that certificate shall be in the form of a final certificate (Form 8).

56. *Intermediate certificates.*—If the final certificate is not issued within seven days of the date of the first certificate, an insured person shall except where the case is covered by regulation 58, submit certificates in the form of intermediate certificates (Form 9) at intervals of not more than seven days each commencing from the date of the first certificate.

57. *Final medical certificate before commencing work for wages.*—Every insured person shall obtain a medical certificate in the form of a final certificate before he takes up any work for wages.

58. *Intermediate certificate where temporary disablement likely to continue for a longer period.*—Where temporary disablement has continued for not less than twenty-eight days and the Insurance Medical Officer is satisfied that such disablement is likely to continue for a long period and that, owing to the nature of the disablement, examination and treatment at intervals of more than one week will be sufficient, the insured person may, unless otherwise directed by the Corporation, furnish medical certificates in the form of special intermediate certificates (Form 10) at intervals of such longer periods not exceeding four weeks as may be specified by the Insurance Medical Officer.

59. *Certified sickness.*—Sickness in respect of any periods shall not be deemed to be fully certified for the purposes of section 48 of the Act, unless medical certificates in respect of such period are issued in accordance with these regulations and each of these certificates is submitted to the appropriate local office by post or otherwise within seven days of the date of its issue.

60. *Form of Claim for sickness or temporary disablement.*—An insured person intending to claim sickness benefit or disablement benefit for temporary disablement shall submit to the appropriate office by post or otherwise, a claim for sickness benefit in one of Forms 11, 12 and 13, appropriate to the circumstances of the case together with the appropriate medical certificate.

61. *Failure to submit medical certificate.*—If a person who intends to claim sickness benefit or disablement benefit for temporary disablement fails to submit to the appropriate office by post or otherwise the first medical certificate or any subsequent medical certificate within a period of three days from the date of issue of such certificate, he shall not be eligible for that benefit in respect of any period (i) in the case of a first certificate more than three days before the date on which the certificate is submitted to the appropriate office; (ii) in the case of a subsequent certificate, more than fourteen days before the date on which such subsequent certificate is submitted to the appropriate office.

DISABLEMENT BENEFIT.

62. *Notice of accident.*—(i) Every insured person who sustains personal injury caused by accident arising out of and in the course of his employment in a factory or establishment shall give notice of such injury either in writing or orally, as soon as practicable after the happening of the accident.

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf.

(ii) Every such notice shall be given to the employer or to a foreman or to other official under whose supervision the insured person is employed at the time of the accident or any other person designated for the purpose by the employer and shall contain the appropriate particulars.

(iii) Any entry of the appropriate particulars of the accident made in a book kept for that purpose in accordance with the next following regulation shall, if made as soon as practicable after the happening of the accident by the insured person or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of these regulations.

(iv) In this regulation and the next following regulation, the expression 'appropriate particular' means the particulars indicated below—

- (a) Full name, Insurance Number, address, occupation, department and shift of the injured person;
- (b) Date and time of accident;
- (c) Place where accident happened;

- (d) Cause and nature of injury;
- (e) Name, address and occupation of the person giving the notice, if he is other than the injured person;
- (f) Names, addresses and occupation of two persons who were present at spot when accident happened; and
- (g) Remarks if any.

63. *Maintenance of accident book.*—Every employer shall—

- (i) keep readily accessible a book, hereinafter called 'Accident Book' in Form 14, in which the appropriate particulars of any accident causing personal injury to an insured person may be entered;
- (ii) prescribe every such book when it is filled for a period of five years from the date of the last entry thereon.

64. *Notice otherwise by an entry in accident book.*—If notice of an employment injury under the last preceding regulation is given otherwise than by an entry in the accident book it shall be the duty of the employer to make an appropriate entry in the book in respect of the accident to which the notice relates immediately after such notice is received.

65. *Time for report of accident by an employer.*—Every employer shall send a report in Form 15 to the nearest Local Office and to the nearest Insurance Medical Officer—

- (i) immediately if the injury is serious and,
 - (ii) in any other case within 24 hours
- after the receipt of the notice under regulation 62 or of the time when the accident came to the notice of the employer, as the case may be.

Provided that in case of serious injury, and particularly when the injury results in death at the place of employment, the report to the Insurance Medical Officer and the Local Office shall be sent through a special messenger, or otherwise, as speedily as may be practicable under the circumstances.

66. *Employer to arrange for first aid.*—Every employer shall arrange for such first aid and medical care and transport for such care as the circumstances of the accident may require till the injured person is seen by the Insurance Medical Officer and such employer shall be entitled to reimbursement in respect of expenses thereby incurred by him but not exceeding such scale of expenses as may be notified by the Corporation from time to time;

Provided that if the employer is required to provide such medical aid free of charge under any other enactment, he shall not be entitled to any reimbursement of expenses.

67. *Employer to furnish particulars of accident.*—Every employer shall furnish to the Corporation such information and particulars of an accident as may be required in writing within such reasonable time as may be specified.

68. *Directions by the Corporation.*—Every claimant for, and every beneficiary in receipt of, disablement benefit shall comply with every direction given to him by the Corporation which requires him either—

- (i) to submit himself to a medical examination by such medical authority as may be appointed by the Corporation for the purpose of determining the effect of the relevant employment injury or the treatment appropriate to the relevant injury or loss of faculty, or
- (ii) to attend any vocational training courses or industrial rehabilitation course provided by the Ministry of Labour, Government of India or by any Provincial Government, which might be considered appropriate in his case.

69. *Reference to a Medical Board.*—Any question as to whether disablement occurring as a result of an employ-

ment injury sustained by an employee should be treated as permanent disablement within the meaning of section 51 of the Act shall be referred to a Medical Board authorised in this behalf by the Corporation. Such reference to the Medical Board may be made—

- (a) by the disabled person or the employer or any recognised employees' union at any time; or
- (b) by the Corporation,
 - (i) at any time, on the recommendation of the Insurance Medical Officer, and
 - (ii) on its own initiative, after the period of twenty-eight days from the first date on which the claimant was rendered incapable of working by the relevant employment injury.

70. *Report of Medical Board.*—The Medical Board shall, after examining the disabled person, submit its report in the prescribed form to the appropriate Regional Office making recommendations as to—

- (i) whether the disablement should continue to be treated as temporary and if so, the next date when the case should again be referred to the Board;
- (ii) whether the disablement can be declared to be of a permanent nature and, if so, whether the proportion of loss of earning capacity can be assessed provisionally or finally;
- (iii) the assessment of the proportion of the loss of earning capacity whether provisional or final; and
- (iv) in case of a provisional assessment, the period for which such assessment shall hold good.

Provided that the assessment of a disability due to an employment injury not restricted to one or more of the injuries listed in Schedule I of the Workmen's Compensation Act, 1923 (VI of 1923) shall be treated as provisional. Such assessment may be reviewed by the Corporation after a reference to a Medical Board on the expiry of twelve months from the date of the first assessment, and at such further intervals as the Corporation may decide thereafter.

The disabled person shall be informed in writing of the recommendations of the Medical Board, the decision of the Corporation thereon and the benefit, if any, to which the disabled person shall be entitled.

71. *Appeal against decisions of Medical Board.*—(i) If the Corporation or a disabled person is dissatisfied with the recommendations of a Medical Board the Corporation or the disabled person may appeal against such recommendations by giving notice of appeal to the other party within three months of the date of communication of the said recommendations;

(ii) A notice of appeal shall be in writing and shall be in writing and shall contain a statement of the grounds upon which the appeal is made;

(iii) The appeal shall lie with an Appeal Tribunal.

72. *Constitution of Medical Boards.*—Medical Boards for the purposes of these regulations shall be constituted by the Corporation and shall consist of such persons, have such jurisdiction and follow such procedure as the Corporation may from time to time decide.

Provided that the Corporation may arrange with a Provincial Government that any Medical Board appointed or recognised by that Government may also be notified as a Medical Board for the purposes of these regulations.

73. *Appeal Tribunals.*—Appeal Tribunals for the purposes of these regulations shall be appointed by the Corporation, and shall consist of the following:—

- (a) A member who is or has been a judicial officer or is a legal practitioner of five years standing—who will act as Chairman,
- (b) A medical expert,
- (c) A member from a trade union.

The Appeal Tribunals shall have such jurisdiction and powers and follow such procedure as the Corporation may from time to time decide.

DEPENDANTS' BENEFIT.

74. *Report of death of insured person by employment injury.*—In case of death of an insured person as a result of an employment injury—

- (a) if the death occurs at the place of employment, the employer shall, and
- (b) if the death occurs at any other place, a dependant intending to claim dependants' benefit shall, or,
- (c) any other person present at the time of death may,

immediately report the death to the nearest Local Office and to the nearest Insurance Medical dispensary, hospital, clinic or other institution where medical benefit under the Act is available.

75. *Disposal of body of an insured person dying by employment injury.*—Where an insured person dies as a result of an employment injury sustained as an employee under the Act, the body of the insured person shall not be disposed of until the body has been examined by an Insurance Medical Officer, who will also arrange a post-mortem examination, if considered necessary, in co-operation with existing provincial agency;

Provided that if an Insurance Medical Officer is unable to arrive for the examination within 24 hours of the time of report to him, the body may be disposed of.

76. *Issue of death certificate.*—An Insurance Medical Officer attending the disabled person at the time of his death or the Insurance Medical Officer who examines the body after the death shall issue a death certificate in Form 16 of the dependants of the deceased and shall send a report in the prescribed form to the appropriate Regional Office.

77. *Submission of claim for dependants' benefit.*—(1) A claim for dependants' benefit shall be submitted to the appropriate local office by post or otherwise in Form 17 by the dependant or dependants concerned or by their legal representative or, in case of a minor, by his guardian, and such claim will be supported by documents proving—

- (i) that the death is due to an employment injury—
- (ii) that the person claiming is the dependant entitled to claim as provided in paras 4 and 5 of the Second Schedule to the Act—
- (iii) the age of claimant—

Provided that where the Corporation is satisfied about the bona-fides of the applicant or about the truth of the facts relating to any of the matters mentioned above, one or more of the documents may be dispensed with.

(2) The following may be accepted as proof of age—

- (a) Certified extracts from an official record of births showing the date of birth, place and father's name,
- (b) Original horoscope prepared soon after birth,
- (c) Certified extract from baptismal register,
- (d) Certified extract from school records showing the date of birth and father's name,
- (e) Such other evidence as may be acceptable to the Corporation in the circumstances of a particular case.

78. *Notice for dependants' benefit.*—On receipt of a claim or claims for dependants' benefit in respect of the death of an insured person and, after making such enquiries as may be necessary about the circumstances and cause of death and about all persons who may be entitled to dependants' benefit, the appropriate Regional Office shall issue to such other persons, if any, as appear on enquiry, to be entitled to dependants' benefit, and who have not yet submitted a claim for such benefit, a

notice for submission of claims for dependants' benefit, within a period of thirty days from the date of such notice. The notice shall indicate *inter alia* the relevant provisions of the Act and regulations and the procedure for submission of a claim for dependants' benefit.

79. *Intimation of decision regarding dependants' benefit.*—As soon as possible after the expiry of the period during which claims can be submitted in terms of the notice issued under the preceding regulation, the appropriate Regional Office shall intimate the decision of the Corporation in regard to the claim of each of the dependants in writing to the dependant concerned or to his legal representative, or, in the case of a minor to his guardian.

80. *Date of accrual of dependants' benefit.*—The dependants' benefit shall accrue from the date of the death in respect of which the benefit is payable.

81. *Review of dependants' benefit.*—(1) The amounts payable as dependants' benefit in respect of the death of any insured person may be reviewed by the Corporation at its own initiative, and shall be so reviewed if an application is made to that effect, under any of the following circumstances—

- (a) if any of the beneficiaries ceases to be entitled to the dependants' benefit by reason of marriage, re-marriage, death, age or otherwise, or
- (b) if a fresh dependant is admitted to the claim for dependants' benefit by the birth of a posthumous child, or
- (c) if, after the previous decision as to the distribution of the dependants' benefit was taken, some facts materially affecting such distribution come to light.

(2) Any review by the Corporation under this regulation shall be made after giving due notice to each of the dependants, stating therein the reasons for the proposed review and giving them an opportunity to submit objections, if any, to such review.

(3) Subject to the provisions of the Act and these regulations the Corporation may, as a result of such review, commence, continue, increase, reduce or discontinue from such date as it may decide the share of any of the dependants.

82. *Declaration by persons in receipt of dependants' benefit.*—The Corporation may require a person in receipt of dependants' benefit to submit, and such person shall submit, a declaration, attested by a Magistrate or such other authority as the Corporation may accept in any particular case to the effect that the person is alive and, in case of a widow, that she has not been remarried, and, in case of an unmarried female dependant, that she has not been married.

Provided that such a declaration shall not be required more than once in six months.

83. *Appointment of another guardian.*—If at any time the Corporation is satisfied that a child who is in receipt of dependants' benefit is being neglected by his guardian, not being a guardian appointed under the Guardian and Wards Act, 1890, and the child's share of the dependants' benefit is not being properly spent on his or her maintenance, the Corporation may direct that such share may be paid to such other person as it deems fit and as in its opinion would utilise it for the care and maintenance of the child.

MATERNITY BENEFIT.

84. *Notice of pregnancy.*—An insured woman, who decides to give notice of pregnancy before confinement, shall give such notice in Form 18 to the appropriate local office by post or otherwise and shall submit, together with such notice, a certificate of pregnancy in Form 19 given in accordance with these regulations on date not earlier than seven days before the date on which such notice is given.

85. *Certificate of expected confinement.*—Every insured woman claiming maternity benefit before confinement shall submit to the appropriate office by post or otherwise—

- (i) a certificate of expected confinement in Form 20 given in accordance with these regulations, not, earlier than fifty days before the expected date of confinement;
- (ii) a claim for maternity benefit in Form 21 stating therein the date on which she has ceased or will cease to work for remuneration; and
- (iii) within thirty days of the date on which her confinement takes place, a certificate of confinement in Form 22 given in accordance with these regulations.

86. *Submission of claim for maternity benefit after confinement.*—Every insured woman claiming maternity benefit after confinement shall submit to the appropriate office by post or otherwise a claim for maternity benefit in Form 21 together with a certificate of confinement in Form 22 given in accordance with these regulations.

87. *Other evidence in lieu of a certificate.*—The Corporation may accept any other evidence in lieu of a certificate of pregnancy, expected confinement or confinement by an Insurance Medical Officer, if in its opinion, the circumstances of any particular case so justify.

88. *Notice of work for remuneration.*—Every insured woman who has claimed maternity benefit shall give notice in Form 23 if she does work for remuneration on any day during the period for which maternity benefit would be payable to her but for her working for remuneration.

89. *Date of payment of maternity benefit.*—Maternity benefit shall be payable from the date from which it is claimed provided that such date does not precede the expected date of confinement by more than forty two days, and that no work is undertaken for remuneration.

90. *Disqualification for maternity benefit.*—An insured woman may be disqualified from receiving maternity benefit if she fails without good cause to attend for or to submit herself to medical examination when so required; and such disqualification shall be for such number of days as may be decided by the authority authorised in this behalf.

Provided that a woman may refuse to be examined by other than a female doctor or midwife.

91. *Authority which may issue certificate.*—No certificate of pregnancy, of expected confinement or of confinement required under these regulations shall be issued except by the Insurance Medical Officer to whom the insured woman has been allotted or by an Insurance Medical Officer attached to a dispensary, hospital, clinic or other institution to which the insured woman is allotted, and such Insurance Medical Officer shall issue to such insured woman free of charge any such certificate when reasonably required by such insured woman under or for the purposes of the Act or these regulations or any other enactment;

Provided that such officer may issue a certificate of pregnancy, expected confinement or confinement under these regulations to an insured woman who is not allotted to him or to the dispensary, hospital, clinic or other institution to which such officer is attached, if such officer is attending the woman for prenatal care or for confinement.

Provided further that a certificate of pregnancy, of expected confinement or of confinement required under these regulations may be issued by a registered midwife which shall be accepted by the Corporation on counter signature by the Insurance Medical Officer.

92. *Obligations of Insurance Medical Officer.*—Nothing in these regulations shall relieve an Insurance Medical Officer to whom an insured woman has been allotted, or an Insurance Medical Officer attached to the dispensary, hospital, clinic or other institution to which an insured woman is allotted of the obligation to issue a certificate of pregnancy, of expected confinement or of confinement

during any period in which such insured woman is obtaining treatment or attendance from any other person or from any other hospital or institution.

CHAPTER IV.

MISCELLANEOUS.

93. *Authority for determining benefits.*—The authority for determining for purposes of sub-section (2) of section 70 of the Act, the value of benefits other than cash payments shall be the Medical Commissioner of the Corporation.

94. *Discontinuation or reduction of benefits.*—An employer may discontinue or reduce benefits payable to an employee under conditions of his service which are similar to the benefits conferred by the Act only to the extent indicated below—

- (i) Privilege leave or general purposes leave or any other leave on full pay shall not be withdrawn irrespective of the period of such leave to which an employee is entitled.
- (ii) Sick leave on half pay may be withdrawn to the full extent.
- (iii) Such proportion of the combined general purposes and sick leave on half pay as may be assigned as sick leave but in any case not exceeding 50 per cent of the combined leave may be withdrawn.
- (iv) Maternity leave may be withdrawn subject to the condition that when the rate of benefit payable by the employer is higher than that payable under the Act, the employer may only reduce the rate of pay for maternity leave by the rate at which the benefit is payable under the Act.
- (v) Any medical care being provided to the families of the employees shall not be withdrawn without the approval of the Provincial Government.

Provided that where an employee avails himself of any part of the leave under (i) and (iii) above for sickness, the employer shall be entitled to deduct from the leave salary of the employee the amount of benefit payable to him under the Act.

95. *Punishment of employee by employer.*—An employer may dismiss, discharge, reduce or otherwise punish an employee—

- (i) after he has been in receipt of disablement benefit for temporary disablement for a period exceeding six months;
- (ii) after he has been under medical treatment for sickness or has been absent from work as a result of illness duly certified in accordance with these regulations to arise out of the pregnancy or confinement rendering the employee unfit for work, for more than six months.

96. *Suspension of sickness or temporary disablement benefit.*—Sickness benefit or disablement benefit for temporary disablement may be suspended, if a person who is in receipt of such benefit fails to comply with any of the requirements of section 64 of the Act, and such suspension shall be for such number of days as may be decided by the authority authorised by the Director General in this behalf.

97. *Exception.*—The Director General may by special or general order relax any regulation under such circumstances and subject to such conditions, as he may deem fit.

98. *Appointment of sick visitors.*—The Corporation may appoint sick visitors for the purpose of visiting insured persons who are sick or who are or may become entitled to sickness, maternity or disablement benefit.

Provided that a woman insured person shall not be visited otherwise than by a woman.

99. *Certain officers to have powers of inspection.*—The Director General, the Insurance Commissioner, a Deputy Insurance Commissioner, a Regional Director, a Deputy Regional Director and an Assistant Insurance Commissioner shall have all the powers of an Inspector specified in sub-section (2) of section 45 of the Act. In addition to the officers mentioned above, the Director General may, by a written order confer upon any employee of the Corporation the powers of an Inspector for such a period or periods as he may think fit.

100. *Disablement benefit and medical benefit.*—A person who is in receipt of disablement benefit shall be entitled to medical benefit while he is in receipt of such benefit.

Provided that after the disablement has been declared as a permanent disablement, the person shall not be entitled to medical benefit, if he is not otherwise entitled to such benefit, except in respect of any medical treatment which may be rendered necessary on account of the employment injury from which the disablement resulted.

101. *Production of document for medical benefit.*—A person intending to claim medical benefit, and who is otherwise entitled to such benefit, shall produce his identity card or such other document as the Corporation may issue in lieu thereof at the time of claiming such benefit if demanded by the Insurance Medical Officer and if he fails to do so medical benefit may be refused to him.

102. *Further certificates.*—Where any question arises as to the correctness of any certificate by virtue of which an insured person claims, or is entitled to, any benefit under the Act, he shall, on receipt of not less than three clear days notice in writing given by the Corporation, submit himself, with a view to obtaining a further certificate, to medical examination by such medical authority as the Corporation may appoint in this behalf. If there is any difference between the certificate so obtained and the original certificate, the right to benefit may be determined as if the original certificate agreed with the further certificate.

103. *Change of circumstance to be notified.*—Every person to whom any benefit is payable under the Act shall as soon as may be practicable, notify the appropriate office of any change of circumstances which he may be expected to know and which might effect the continuance of his right to receipt of such benefit.

FORM No. 1

1. Insurance Number allotted.

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DECLARATION FORM

2. Name
(in block capitals)

3. Caste & Religion.....

4. Sex.....

5. Marital status.....
(Bachelor, spinster, married, widow or widower).6. (a) Date or year of birth. Day Month
Year

(b) Age Years

7. Father's name

8. Husband's name
(For married women)9. Marks of Identification (1)
(2)

10. Present residential address:—

Room No,
or Flat No,(if any House No
(if any)

Street Mohalla

Town or village Post Office

Thana District

Province or State

11. Permanent home address:—

Room
Flat No. (if any) House No.
Street Mohalla
Town or village Post Office
Thana District
Province or State

12. Dependents

Serial No.	Name of the dependent	Relationship to the employee	Age	Date or year of birth of the dependent
(a)				
(b)				

Note.—Dependants to be given separately under (a) those normally living with the employee, and (b) those not living with him, in the following order—wife, sons and daughters, parents other male dependants and other female dependants.

I hereby nominate S.O./W.O./D.O.
..... of (address) to
receive payment under Section 71 of any benefit that may be due to me at the time of my death.

I hereby declare that the above particulars have been given by me and are correct to the best of my knowledge and belief. I would like to be attached to
Local office and to Insurance Medical dispensary.

.....
Specimen signature of the
employee (if knows to
write).

.....
Signature or left hand
thumb impression of the
employee.

Place.....

Date.....

.....
Signature of the clerk filling
up the form if not filled by
the employee in his own hand.

Certified that the above declaration has been signed in
my presence by (1)
employed as (2) in department
..... on shifts
after he has read the entries
the entries have been read over to him

Place.....

Date.....

.....
Signature of Manager.....
or other officer.

Designation

Name and address
of the factory
or establishment

Insurance Code No.

Note :—(1) State the name of the employee.

(2) State the occupation of the employee as correctly as possible, such descriptions as service, 'labourer', etc., should be avoided and terms like 'clerk', 'jobber', 'Carder', Sweeper, Chaprasi, etc., should be used.

TEMPORARY IDENTIFICATION CERTIFICATE

Name

R.O.

Age

Seal

Identification Marks

Date

Signature of Employer.

Employer's { Name
and
Address.

FORM No. 6

FORM No. 8

RETURN OF EMPLOYMENT**

(CONFIDENTIAL)

For the contribution period ending.....

Name and.....

Employer's Code No.

Stamp of the dispensary

Address of the employer

FINAL CERTIFICATE

To Insurance No.

Date of first certificate of sickness or disablement

I certify that I have examined you today and that in my opinion you have continued to need medical treatment and attendance and abstention from work on medical grounds upto and including this day by reason of

In my opinion you will be fit to resume work tomorrow on.....

Date.....

Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer

FORM No. 9

(CONFIDENTIAL)

Stamp of the dispensary

I hereby declare that the above information is true and correct to the best of my knowledge and information.

Date.....

Signature and designation.

N.B.—**The return should include information in respect of all employees irrespective of any contribution period allotted to them.

* 'Wage period' means the period in respect of which wages or salaries are paid, i.e., daily, weekly, fortnightly, monthly, or otherwise. (Other wage period, if any, should also be clearly indicated, e.g. after every 10 many days, etc.).

FORM No. 7

CONFIDENTIAL

Stamp of the dispensary

FIRST CERTIFICATE

To Insurance No.

I certify that I have examined you today and that in my opinion you now need medical treatment and attendance and abstention from work on medical grounds by reason of

Date.....

Insurance Medical Officer.
(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer

INTERMEDIATE CERTIFICATE

To Insurance No.

Date of First Certificate of sickness or disablement.....

I certify that I have examined you today and that in my opinion you have continued to need medical treatment and attendance and abstention from work on medical grounds up to and including this day by reason of

Date.....

Insurance Medical Officer.

(Rubber stamp or name in block letters).

Any other remarks by the Medical Officer

FORM No. 10

(CONFIDENTIAL)

Stamp of the dispensary

SPECIAL INTERMEDIATE CERTIFICATE

To Insurance No.

Date of the first certificate of sickness or disablement

I certify that I have examined you today and that in my opinion you have continued to need medical treatment